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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,877	02/12/2002	Douglas Allard	11533.0012CNUS06	3959
7590	03/10/2005		EXAMINER	
GLENN W. RHODES, ESQ. ARNOLD WHITE & DURKEE P.O. BOX 4433 Houston, TX 77210			PECHHOLD, ALEXANDRA K	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No.	Applicant(s)	
	10/072,877	ALLARD, DOUGLAS	
	Examiner	Art Unit	
	Alexandra K Pechhold	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) 10 and 23-25 is/are allowed.
6) Claim(s) 1,2,5,6,13,17,26 and 27 is/are rejected.
7) Claim(s) 3,4 and 14 is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 5, 6, 13, 17, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris et al (US 6,080,307).**

Regarding claim 1, Morris discloses apparatus, comprising:

(a) a filter body, seen as canister (140), dimensioned to fit within an inlet and forming a trough obstructing at least a portion of said inlet;

(b) a filter body support, seen as bracket (120), dimensioned and adapted to cooperatively engage with said inlet and with said filter body to substantially maintain said filter body in a pre-selected shape and position within said inlet;

(c) one or more connectors removably connecting said filter body to said filter body support, disclosed as the connection between the bracket (120) and canister (140) in column 4, lines 6-19 that can be metal ring or wedge-shaped upper lip; and

(d) one or more fluid displaceable adsorbent containers, seen as the multitude of bodies (142) of material that entrap and encapsulate oil (Col 3, lines 56-58), within said filter body.

Regarding claim 2, Fig. 1 illustrates the bracket (120) forming a trough along at least a portion of one wall of the inlet.

Regarding claims 5 and 6, the bodies (142) are capable of floating within the canister (140) as the canister (140) fills with fluid since they are loosely arranged and unencumbered (Col 5, lines 24-28), and are capable of floating at or near the fluid surface.

Regarding claim 13, Morris discloses apparatus, comprising:

- (a) a filter body, seen as canister (140), dimensioned to fit within an inlet and obstructing at least a portion of said inlet, the filter body comprising a porous material, as disclosed by Morris in Col 4, lines 21-23 in describing the mesh or liquid-permeable material forming the bottom (146) of canister (140) so water can pass therethrough;
- (b) one or more fluid displaceable adsorbent containers, seen as the multitude of bodies (142) of material that entrap and encapsulate oil (Col 3, lines 56-58), within said filter body,
- c) one or more filter body support brackets, seen as bracket (120), dimensioned and adapted to cooperatively engage with the filter body to substantially maintain the filter body (140) in a preselected shape and position within the inlet.

Regarding claim 17, the method is inherent in the structure as recited with respect to claims 1, 5, and 6 above. Furthermore, the recitation of the filter body comprising a porous material is disclosed by Morris in Col 4, lines 21-23 in describing the mesh or liquid-permeable material forming the bottom (146) of canister (140) so water can pass therethrough.

Regarding claim 26, Morris discloses a catch basin filtration system capable of separating contaminants from storm runoff and dimensioned to fit within a catch basin

as seen in Fig. 1, and the system comprising one or more fluid displaceable adsorbent containers, seen as canister (140).

Regarding claim 27, the canister (140) removably attaches to the remainder of the system, since it is lifted in and out of the supporting bracket (120) with a handle (144).

Allowable Subject Matter

3. Claims 3, 4, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 10 and 23-25 are allowed.

Response to Arguments

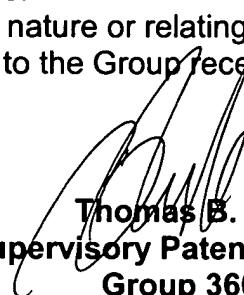
5. The applicant has canceled the rejected claims in order to put the application into condition for allowance by leaving the allowable claims remaining. Yet upon further consideration of the prior art, the Examiner is now applying the Morris reference again to reject some of the previously indicated allowable claims. Therefore, the allowability of these claims has been withdrawn in light of the Examiner's new application of the Morris reference to reject claims 1, 2, 5, 6, 13, 17, and 26. Claims 3, 4, and 14 are indicated as having allowable subject matter, and claims 10 and 23-25 are allowed.

Art Unit: 3671

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
3/3/05